

Confirm. No. 2927  
514453-3916

## **REMARKS**

Reconsideration and withdrawal of the rejections of the application respectfully requested in view of the amendments, remarks and enclosures herewith, which place the application in condition for allowance.

### **I. STATUS OF CLAIMS AND FORMAL MATTERS**

At the outset, the applicants would like to extend their appreciation for the acknowledgement of allowable subject matter which was made by the Examiner with regard to claims 2-7 and 13-15. Claims 1, 16 and 17 have been amended to correct the objections to the claims regarding the connector "or" (which has been deleted). The applicants have also amended claim 1 and 17 to remove the redundancy regarding the variable "Y" in part (v) of each claim (the amendment is similar to the amendment made to claim 16 in the applicants' previous response).

Claims 1-17 are still pending. No new matter has been added.

It is submitted that the claims, herewith and as originally presented, are patentably distinct over the prior art cited in the Office Action, and that these claims were in full compliance with the requirements of 35 U.S.C. § 112. The amendments of the claims, as presented herein, are not made for purposes of patentability within the meaning of 35 U.S.C. §§§§ 101, 102, 103 or 112. Rather, these amendments and additions are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

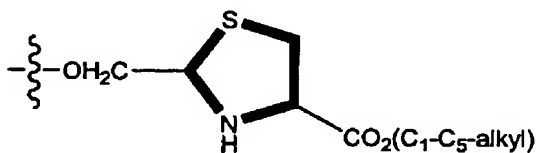
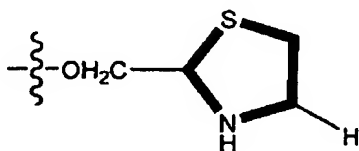
### **II. THE 35 U.S.C. 102(b) REJECTION HAS BEEN OVERCOME**

Claim 1 was rejected as allegedly being anticipated by Di Domenica et al. (U.S. Patent 4,988,701 - "Di Domenico"). Reconsideration of this rejection is respectfully requested.

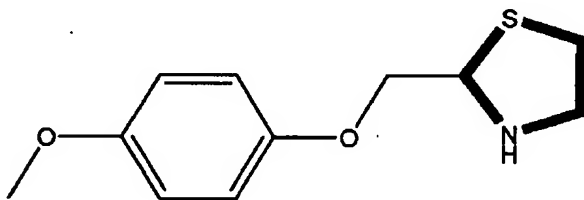
This rejection was based on the compounds disclosed by Di Domenico in formula (II) on col. 2 and Example 6 in col. 10. However, as can be seen from the chart below, the references in Di Domenico describe compounds which are outside the scope of the applicants' claimed invention:

Confirm. No. 2927  
514453-3916

Formula (II) on col. 2 of U.S. Patent 4,988,701  
(if p = 1)

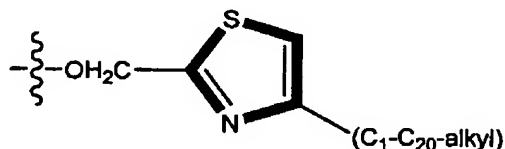
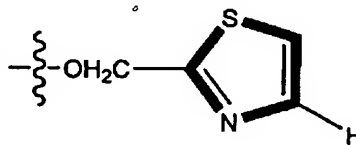


Example 6 in col. 10 of U.S. Patent 4,988,701  
2-(4-methoxy-phenoxy)methylthiazolidine



The highlighted heterocyclic ring is a  
**THIAZOLIDINE** ring

Compound (iv) of claim 1



Where one nonterminal CH<sub>2</sub> group may be replaced by -O- or -OC(=O)- or -C(=O)O- and/or one or more H atoms may be replaced by F...

The highlighted heterocyclic ring is a  
**THIAZOLE** ring

(see also page 16, entry 122. Thiazole. from *The Ring Index* (2<sup>nd</sup> Edition - American Chemical Society (1960) which shows that thiazolidine rings are the tetrahydro form of a thiazole ring).

Therefore, Di Domenico does not teach each and every element of the applicants' claimed invention and as such claim 1 is not anticipated.  
(Such that it would be entertained that this rejection could be amended to an obviousness rejection, the applicants note that the entirety of the Di Domenico reference is directed toward derivatizing the nitrogen of the thiazolidine ring and all starting, intermediate and final products disclosed in the Di Domenico reference possess this thiazolidine ring. There is no teaching, suggestion or motivation for one of ordinary skill in the art to substitute the thiazolidine ring for the applicants' claimed thiazole ring)

Confirm. No. 2927  
514453-3916

**CONCLUSION**

In view of the remarks and amendments herewith, the application is believed to be in condition for allowance. Favorable reconsideration of the application and prompt issuance of a Notice of Allowance are earnestly solicited. The undersigned looks forward to hearing favorably from the Examiner at an early date, and, the Examiner is invited to telephonically contact the undersigned to advance prosecution. The Commission is authorized to charge any fee occasioned by this paper, or credit any overpayment of such fees, to Deposit Account No. 50-0320.

Respectfully submitted,  
FROMMER LAWRENCE & HAUG LLP

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Attachment: Page 16 from *The Ring Index* (2<sup>nd</sup> Edition - American Chemical Society) - see entry 122.

# THE RING INDEX

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*A List of Ring Systems used in* APR 20 1955

*Organic Chemistry* U. S. PATENT OFFICE

SECOND EDITION

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The late Austin M. Patterson  
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*Antioch College*

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AMERICAN CHEMICAL SOCIETY

C <sub>3</sub> NO	5	I	I	5	C <sub>3</sub> O <sub>2</sub>
	C <sub>3</sub> NO	119. [89]. C <sub>3</sub> H <sub>3</sub> NO. Oxazole. 1,3-Azoxole. Furo[b]monazole. Mazoxole. Ber. 21, 930(1888); B <sub>4</sub> 27, 174. OTHER NUMBERINGS: Hantzsch, Ann. 249, 3(1888). V. v. Richter. DIHYDRO FORMS. C <sub>3</sub> H <sub>3</sub> NO. Oxazoline (2- or Δ <sup>3</sup> -; 4- or Δ <sup>4</sup> -). B <sub>4</sub> 27, 13 <sup>1</sup> . TETRAHYDRO FORM. C <sub>3</sub> H <sub>7</sub> NO. Oxazolidine. B <sub>4</sub> 27, 3 <sup>5</sup> .		C <sub>3</sub> N <sub>2</sub>	127. [96]. C <sub>3</sub> H <sub>4</sub> N <sub>2</sub> . Imidazole. Glyoxaline. 1,3-Diazole. Imidazole. Miazole. Pyro[b]monazole. Ber. 15, 2419 (1882); B <sub>4</sub> 23, 45 <sup>1</sup> . OTHER NUMBERINGS: Hantzsch, Ann. 249, 3(1888). DIHYDRO FORMS. C <sub>3</sub> H <sub>4</sub> N <sub>2</sub> . Imidazoline (2- or Δ <sup>3</sup> -; 4- or Δ <sup>4</sup> -). B <sub>4</sub> 23, 31 <sup>1</sup> . TETRAHYDRO FORM. C <sub>3</sub> H <sub>6</sub> N <sub>2</sub> . Imidazolidine. B <sub>4</sub> 23, 3 <sup>5</sup> .
	C <sub>3</sub> NS	120. [90]. C <sub>3</sub> H <sub>3</sub> NS. Isothiazole. 1,2-Azthiole. Oazthiole. Chem. & Ind. (London) 1956, 1232.		128. [97]. C <sub>3</sub> H <sub>4</sub> N <sub>2</sub> . 2H-Imidazole. 2-Isomidazole. 2H-1,3-Diazole. Imidazolenine. 1,3-Isodiazole. 2-ψ-Imidazole. B <sub>4</sub> 24, 79 <sup>4</sup> (?).	129. [98]. C <sub>3</sub> H <sub>4</sub> N <sub>2</sub> . 4H-Imidazole. 4-Isomidazole. 4H-1,3-Diazole. Imidazolenine. 4-ψ-Imidazole. Isoglyoxaline. B <sub>4</sub> 24, 82 <sup>9</sup> (?).
	121. C <sub>3</sub> H <sub>4</sub> NS. 2,1-Azathiolium. Arch. Biochem. 13, 33(1947).			C <sub>3</sub> OP	130. [99]. C <sub>3</sub> H <sub>3</sub> OP. 1,2-Oxaphosphole. J. Am. Chem. Soc. 42, 330(1920).
	C <sub>3</sub> NSe	122. [91]. C <sub>3</sub> H <sub>3</sub> NS. Thiazole. Thio[b]monazole. 1,3-azthiole. Mazthiole. Ber. 21, 938(1888); B <sub>4</sub> 27, 15 <sup>5</sup> . OTHER NUMBERINGS: Hantzsch, Ann. 249, 6(1888). V. v. Richter. DIHYDRO FORMS. C <sub>3</sub> H <sub>4</sub> NS. Thiazoline (2- or Δ <sup>3</sup> -; 4- or Δ <sup>4</sup> -). B <sub>4</sub> 27, 12 <sup>4</sup> . TETRAHYDRO FORM. C <sub>3</sub> H <sub>4</sub> NS. Thiazolidine. B <sub>4</sub> 27, 3 <sup>5</sup> .		C <sub>3</sub> OS	131. [100]. C <sub>3</sub> H <sub>4</sub> OS. 3H-1,2-Oxathiole. 1,2,5-Thiazole*. Helv. Chim. Acta 3, 843(1920). DIHYDRO FORM. C <sub>3</sub> H <sub>4</sub> OS. 1,2-Oxathiolane. 1-Oxa-2-thia-cyclopentane. Am. Chem. J. 31, 254(1904); B <sub>4</sub> 19, 277 <sup>4</sup> .
	C <sub>3</sub> N <sub>2</sub>	123. [92]. C <sub>3</sub> H <sub>3</sub> NSe. Selenazole. Ann. 250, 316(1889); B <sub>4</sub> 27, 58 <sup>7</sup> . OTHER NUMBERINGS: μ=2 (Michele), 4,5-DIHYDRO FORM. C <sub>3</sub> H <sub>4</sub> NSe. Selenazoline (2- or Δ <sup>2</sup> -). Ber. 25, 3049(1892); B <sub>4</sub> 27, 13 <sup>4</sup> . TETRAHYDRO FORM. C <sub>3</sub> H <sub>4</sub> NSe. Selenazolidine. Ber. 23, 1003(1890).		C <sub>3</sub> OSI	133. [102]. C <sub>3</sub> H <sub>4</sub> OS. 1,3-Oxathiole. 1,3-Thioxole*. Ann. 261, 20(1891); B <sub>4</sub> 19, 134 <sup>4</sup> . OTHER NUMBERINGS: Tcherniac, J. Chem. Soc. 115, 1089(1919). DIHYDRO FORM. C <sub>3</sub> H <sub>4</sub> OS. 1,3-Oxathiolane. 1-Oxa-3-thia-cyclopentane. Ber. 13, 1579(1880).
	125. [94]. C <sub>3</sub> H <sub>4</sub> N <sub>2</sub> . 3H-Pyrazole. 3-Isopyrazole. Pyrazolenine. 1,2,3-Diazole. Rec. trav. chim. 62, 485 (1943).			C <sub>3</sub> O <sub>2</sub>	134. C <sub>3</sub> H <sub>4</sub> O <sub>2</sub> . 1-Oxa-2-silacyclopentane. U.S. patent 2,589,447 (Mar. 18, 1952); CA 46, 11229e.
	126. [95]. C <sub>3</sub> H <sub>4</sub> N <sub>2</sub> . 4H-Pyrazole. 4-Isopyrazole. Pyrazolenine. 4H-1,2-Diazole. 4-ψ-Pyrazole. 1,2-Isodiazole. Ann. 279, 247(1894); B <sub>4</sub> 23, 34 <sup>8</sup> .			C <sub>3</sub> O <sub>2</sub>	135. C <sub>3</sub> H <sub>4</sub> O <sub>2</sub> . 1,2-Dioxole. 4,5-DIHYDRO FORM. C <sub>3</sub> H <sub>4</sub> O <sub>2</sub> . 1,2-Dioxolane. 1,2-Dioxacyclopentane. Chem. Ber. 88, 713(1955).